



TOWN OF PITTSFIELD  
PLANNING BOARD  
Town Hall, 85 Main Street  
Pittsfield, New Hampshire

## Site Plan Review Regulations

**Authority:** Pursuant to the authority vested in the Town of Pittsfield Planning Board voted on at the March 12, 1994, Town Meeting in accordance with the provisions of RSA 674: 44 as from time to time amended, the Town of Pittsfield Planning Board adopts the following regulations governing review and approval or disapproval of site plans for the development or change or expansion of use (See Section II, Applicability) of tracts for non-residential uses or for multi-family dwelling units, which are defined as structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled “Site Plan Review Regulations, Town of Pittsfield, New Hampshire.”

### **SECTION I - PURPOSE**

The purpose of the Pittsfield Site Plan Review Regulations, as authorized by RSA 674:44 – II, is to:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  1. Inadequate drainage or conditions conducive to flooding of the property or that of another.
  2. Inadequate protection for the quality of groundwater.
  3. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates any other discharge into the environment or adjacent properties; and
  4. Inadequate provisions for fire safety, prevention and control.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs by providing the site development features and buildings of appropriate design and scale.
- C. Provide for the need for additional (off-street) parking that can be expected to result from the proposed change or expansion of use.
- D. Provide for open spaces and green spaces of adequate proportions.
- E. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality.
- F. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for fire fighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system;
- G. Require, in appropriate cases, the plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- H. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- I. Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

## **SECTION II- APPLICABILITY**

As stated under the Authority paragraph, these regulations are intended to govern the review of plans for development, change of use or expansion of use of a given tract. The terms “development” or “change of use” or “expansion of use” are subjective and may include several interpretations. The purpose of this section is to provide an explanation of these terms. The Pittsfield Planning Board will use these guidelines in fulfilling its responsibility to approve, disapprove, or waive certain elements of site plan review regulations on a case-by-case basis. This section also defines cases where exemptions apply.

### **A. DEFINITIONS**

The following definitions include examples only and not every possible situation.

Development — Development is interpreted to mean constructing new features on a previously undeveloped tract or portion of tract. For example:

- A parking lot for a business is constructed on a vacant lot;
- A new supermarket is constructed; or
- A multi-family dwelling unit is constructed on a vacant lot.

Change of Use — This is interpreted to mean the use of a building or site is changed to a new use. For example:

- A multi-family dwelling succeeds a two-family dwelling;
- A gas station succeeds a hardware store;
- A restaurant succeeds a residential dwelling; or
- An auto repair shop succeeds a barbershop.

By contrast, the following are not changes of use:

- One restaurant succeeding another restaurant providing no increase in seating;
- A real estate office succeeding an insurance agency; or
- A retail furniture store succeeding a retail clothing store.

Expansion of Use — Expansion of use refers to the intensification in the level of an existing non-residential use or a multi-family (three or more units) dwelling. For example:

- A single-island gas station expands to a three-island gas station, which requires a change in signage and a new curb cut on the street for a driveway;
- A ten table restaurant expands its seating;
- A two-family or larger apartment building is expanded or renovated to accommodate additional apartments; or
- A former residential building in the urban zone being used as an office expands its employee base from four to ten and accommodates the new employees by converting storage space to office space; or
- An existing daycare center is expanded by construction of an addition to the building to accommodate more children.

## B. EXEMPTIONS

In cases where a change of use or expansion of use does not require exterior physical construction or expansion of the building or site, the Planning Board may exempt the action from a Site Plan Review. Owners must apply in writing to the Planning Board for exemptions. Exemptions will be reviewed and determined at the next Planning Board meeting and applicants will be notified within one week of the determination.

1. Exemptions: To qualify for an exemption, the action must meet the criteria outlined below:
  - a. No additional off-street parking is required as determined by the requirements of the Zoning Ordinance;
  - b. Septage loading of the site does not increase beyond that which the existing system is already designed to accept;
  - c. No adverse impacts beyond the site boundaries will occur due to:
    - i. Increased traffic
    - ii. Groundwater use
    - iii. Drainage
    - iv. Sanitary and solid waste disposal
    - v. Lighting and glare
    - vi. Noise
    - vii. Fumes, odors or air pollutants
  - d. Municipal services, facilities and utilities will not be overburdened or adversely impacted.

Examples of cases where exemptions may be given and where it is not expected, any impacts, as outlined above, would result from the change of use are:

- A real estate agency succeeds a neighborhood grocery;
- A business adds a small storage shed to the exterior of the building.

2. The Planning Board may exempt a change of use from Site Plan Review if it determines that the criteria of subsection B:1 are met. If any of the criteria are not met, or if the Board is unable to determine whether any of the criteria are met, a Site Plan Review application shall be required. After the review of the written request, the Planning Board shall determine whether or not a site plan review is required.
  - i. If the Planning Board decides that site plan review is not required, the process shall end.
  - ii. If the Planning Board decides that a site plan review is required, the applicant shall submit a site plan review application in accordance with Section III Procedures.
  - iii. In appropriate circumstances, the Planning Board may allow an abbreviated Site Plan to be submitted, this means the site plan will require only a portion of the information that is typically required.
  - iv. A property owner (or his/her agent) may bypass the written request for exemptions, and instead, submit a Site Plan application to the Board for review and approval.

## C. MAJOR AND MINOR SITE PLANS

### 1. Major Site Plan is required:

- a. In cases where any new development for a commercial, industrial, multi-family (over two-family) and business use in the Town of Pittsfield is planned.
- b. When the expansion of an existing use or structure is planned which results in a ten percent or more physical expansion (floor area), or results in an increase in the number of parking spaces required; or
- c. If the plan involves a change in use within the use categories as identified within the Zoning Ordinance, which results in changes to the exterior of the building or an existing approved Site Plan.

### 2. Minor Site Plan:

All other Site Plans are defined as minor. At the discretion of the Planning Board, any minor Site Plan that the Board considers to have the potential for significant impact may be categorized as a Major Site Plan and required to fulfill the requirements for Major Site Plans.

## **SECTION III - PROCEDURES**

Site Plan Review shall be conducted in accordance with the procedural requirements contained in Subdivision Regulations, Section 5.A including notice to abutters and a public hearing and in accordance with RSA 674:44 as from time to time amended.

- A. The list of all abutters should be checked with records of the current local tax rolls.
- B. The applicant shall bear all the costs of review, including the cost of notifying abutters, the Board's administrative expenses, the costs of special investigations, including legal fees, the review of documents, and other costs required by particular applications (see RSA 674:44 V).
- C. All department heads shall review and sign off on the application.
- D. If the site plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No permit will be issued until approval of the Site Plan by the Planning Board is granted. The applicant will be notified by certified mail return receipt requested of the approval or disapproval of the site plan **within five (5) business days. Any notice of decision approving the application will either be recorded with or on the plat.**
- E. **The Minor and Major Site Plan Regulation Checklists (as applicable) are adopted as part of the Town of Pittsfield Site Plan Regulations.**

## **SECTION IV - SUBMISSION REQUIREMENTS, EXHIBITS AND DATA**

## A. MINOR SITE PLAN

### **I. SUBMISSIONS:**

1. Four copies of the completed application for Site Plan review
2. Site Plan:
  - a. Sheet size: Shall be of sufficient size and detail to clearly show what is proposed on the site.
  - b. Scale: not less than 1"=100'
  - c. Match lines when required (when more than one sheet is needed).
  - d. Four (4) prints of each plan sheet (black line).
  - e. Date, title, scale, north arrow, location map.
  - f. Names and address of developer, designer/engineer and owner of record.
  - g. Show all easements.
3. List of current names and addresses of all abutters.
4. Fees as set by the Planning Board.

### **II. REQUIRED EXHIBITS AND DATA:**

1. Plan of site showing boundaries, existing landscaping and natural features including water courses and water bodies, trees and other vegetation, topographical features, and any other features which should be considered in the site design process;
2. Plan of all buildings with their type, size and location (set backs);
3. Location of off-street parking and loading spaces with a layout of parking indicated;
4. Location, width, curbing and type of access ways and egress (driveways), plus streets within and around the site;
5. Type and location of solid waste disposal facilities;
6. Location, size and design of proposed signs and other outdoor advertising or instructional devices;
7. Location and type of lighting for all outdoor facilities, including direction and area of illumination;
8. Water supply and sewage disposal facilities;
9. Any other exhibits or data the Planning Board may require in order to adequately evaluate the proposal.

## B. MAJOR SITE PLANS

- I.** In addition to the submission items required for a Minor Site Plan in Section VI-A above, the following are required for Major Site Plans:

1. Sheet Size: 22x34, maximum.
2. Reproducible (wash-off) mylar, when required by the Planning Board, at its option.
3. Topographical plan with contour lines at two (2) foot intervals. Benchmark from USGS datum.

- II.** In addition to the items listed above in Required Exhibits and Data for Minor Site Plans, the following are required for Major Site Plans:

1. Plan of all proposed buildings with their type, size, location (setbacks) and elevation of first floor indicated (assume permanent onsite elevation benchmark);
  2. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
  3. The location, elevation and layout of catch basins and other surface drainage;
  4. Existing and proposed contours and finished grade elevations. All contours shall be a minimum of 2-foot intervals;
  5. A landscaping plan showing the type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
  6. The size and location of all public service connections, whether overhead or underground, - gas, power, telephone, fire alarm;
  7. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs, control angles along property lines, and monument locations and names of all abutters;
  8. If the plan also involves a subdivision, the lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply;
  9. An erosion and sediment control plan;
- 10. A drainage report depicting pre and post construction site runoff, prepared and stamped by a professional engineer;**
- 11. A traffic study prepared and stamped by a professional engineer.**

## **SECTION V - GENERAL STANDARDS**

- A. Design of development should fit the existing natural and manmade environments with the least stress;
  1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.
  2. Landscape treatments shall consist of natural, undisturbed vegetation of features, or ground cover, shrubs or trees as appropriate.
  3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless written consent of the abutting owner is obtained.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites.  
 Buffer Strips (the number of feet depending largely on the density of development in the area) must be maintained between use and residential zones. Buffer strips between residential and non-residential zones must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential areas throughout the year.

- C. Screening must be provided to reduce visual pollution:
  - 1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.
  - 2. Garbage storage areas must be screened throughout the year.
  - 3. The use of either fencing or hedges is permitted.
  
- D. Parking, Loading and Pedestrian Safety:
  - 1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.
  - 2. Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
  - 3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties and public right-of-ways and shall be designed to ensure the safety of vehicles and pedestrians.
    - a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off;
    - b. The Board, however, may require that access, parking and loading areas be conventionally paved if appropriate and necessary.
  - 4. Reduction of Parking Requirements. Notwithstanding the above, the Planning Board may waive all or a portion of the required number of off-street parking spaces for non-residential uses in the Commercial District if it is determined by the Board that the use of the premises can be adequately served by fewer spaces. Such reduction, if any, shall be made on a case-by-case basis. In making its determination, the Board may consider available on-street and/or off-street parking spaces near the premises to serve the needs of the intended use.
  - 5. Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances to business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways, shall be at least six (6) inches above road or driveway grade and protected by curbing. The sidewalks shall comply with the Americans With Disabilities Act.
  
- E. Erosion and Sedimentation Plan Shall:
  - 1. Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material
  - 2. Show control measures both during construction and any permanent controls to remain after construction.

3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
4. Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development.
5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the Town and Merrimack County Conservation District Standards.
6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures, and for proposed storm water retention basins.
7. Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

F. Signs & Illumination:

1. Signs of whatever size and material shall be a permitted accessory use in the Commercial and Light Industrial/Commercial districts of the Town and on the premises of businesses or permitted industry in other districts, provided that any such signs do not constitute a nuisance, in the opinion of the Planning Board, by emitting an unreasonable amount of light or noise and are compatible with the surrounding area in terms of their size, height and visual impact.
2. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
3. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking, or flashing lights or signs are not permitted unless otherwise approved by the Board.
4. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of development.

G. Access to Public Streets:

Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the Town, as adopted and amended.

H. Water Supply and Sewage Disposal:

All water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer (or his/her agent) to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation test and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before Site Plan approval can be finalized.

I. Flood Hazard Areas:

1. Site Plans for both non-residential development and multi-family units will be reviewed to determine whether such proposals will meet existing floodplain regulations. If such a proposal is determined to be in a flood prone area, such proposals will be reviewed to assure that:

- a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood
- c. Septic systems, if required, shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwaters;
- d. The lowest floor (including the basement) is elevated or flood proofed to or above the base flood level.

**SECTION VI - REFERRAL TO CONSERVATION COMMISSION**

The Planning Board may refer applications to the Conservation Commission for their review and recommendations, if there is a finding that environmental features or issues need to be addressed as part of the Site Plan Review process.

**SECTION VII - INSPECTION OF IMPROVEMENTS**

The Building Inspector, or a registered engineer hired by the Planning Board when deemed necessary shall inspect all site improvements. The developer shall pay the cost of the Board's employment of said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the Site Plan Review,

**SECTION VIII - WAIVER OF SITE PLAN REOUIREMENTS**

Upon request of the applicant, the Planning Board may waive compliance with any part of these regulations, if it determines that:

- a. The request for the waiver arises out of unique physical conditions which exist on the property;
- b. Literal compliance and strict conformity to these regulations would cause undue hardship or injustice to the owner of the land. Undue hardship or injustice is one where there is no public benefit which offsets the private detriment;
- c. Granting the waiver would not be contrary to the spirit, purpose and objectives of these regulations; and
- d. The public good, convenience or welfare shall not be adversely affected.

The applicant shall submit a petition for any such waiver in writing at the time when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and the section(s) of the regulations for which waivers are requested.

**SECTION IX - PERFORMANCE BOND**

The Planning Board may require that a Developer Improvement Agreement form be signed and a performance bond, in an amount to be determined by the Planning Board, in the form of a passbook, irrevocable letter of credit, or a performance bond to be posted by the developer and held by the Town until the Board of Selectmen is satisfied that all conditions of the Site Plan

Approval and any other pertinent provisions of Zoning Ordinance, Subdivision Regulations, and/or other Town ordinance(s) or regulation(s) have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen. The bond shall comply with the specific provisions of Section 7 of the Subdivision Regulations.

#### **SECTION X - RECORDATION**

The Site Plan Map, which shows, at a minimum, lot lines, proposed construction, roads, all other improvements and Planning Board approval, must be recorded with the Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation, must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well, with reference made to such recording on the face of the map.

#### **SECTION XI - JOINT HEARINGS**

In accordance with its adopted Rules and Procedures, the Planning Board may hold a hearing on a Site Plan Review in conjunction with a subdivision hearing if both are required for the proposal.

#### **SECTION XII - AMENDMENTS**

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted, in accordance with the procedure outlined in RSA 675:6 as may from time to time be amended.

#### **SECTION XIII - SEPARABILITY**

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner, any other provision contained herein.

#### **SECTION XIV - DEFINITIONS**

The definition section of the Subdivision Regulations, Town of Pittsfield, Section 3, is hereby adopted by reference.

#### **SECTION XV - PENALTIES**

As provided in RSA 676:15 & 17, as from time to time amended, the Town may obtain an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove any erection, construction, alteration or reconstruction which is not in compliance with this Regulation. Any violation of this Regulation may be punishable, as determined by the Selectmen, by either: (a) a civil fine of not more than \$200 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives a written notice from the municipality that he or she is in violation of this

Regulation, whichever is earlier; or (b) a criminal penalty, which shall be a misdemeanor if the violation is committed by a natural person, or a felony if by any other person.

In any legal action brought to enforce these Regulations, in which the Town of Pittsfield prevails, the applicant will pay the costs encumbered by the Town in pursuing such legal action.

**SECTION XVI - CERTIFICATION**

These Site Plan Review Regulations were adopted by a majority vote of the Pittsfield Planning Board on \_\_\_\_\_, **2010**.

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